IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 19595 of 1994

Between:

G. Parshu Ramulu S/o Sri G. Ashalu, aged 26 yrs,
R/o Ramsagar Karimnagar Town,
Karimnagar Dist.

..... PETITIONER

AND

1 The Depot Manager A.P.S.R.T.C. Bus Depot, Karimnagar
2 Industrial Tribunal-cum-Labour Court Godavarikhani, Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records relating to the award passed in I.D.No.325/91 dt: 30-12-1993 on the file of the 2nd Respondent and quash the same as arbitrary and illegal by way of issue of a writ of certiorari or any other appropriate Writ, order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:M/s A.Ramamurthy & L.Ravikumar,

Counsel for the Respondent No.1: SC FOR APSRTC

Counsel for the respondent No.2: G.P. for Labour

The Court made the following :

O R D E R:

This Writ Petition is filed assailing the Award dated 30.12.1993 passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District in I.D.No.325 of 1991.

2. The petitioner was appointed as casual cleaner in the garage of the A.P.S.R.T.C. and on his alleged oral removal from service, the petitioner raised an industrial dispute in I.D.No.325 of 1991 before the Industrial Tribunal-cum-Labour Court, Godavarikhani under Section 2-A(2) of the Industrial Disptutes Act,1947 challenging the order of termination. The learned Tribunal after adjudicating the matter held that the petitioner was not engaged by the respondent and there was no relationship of employer and employee and accordingly dismissed the petition, but, however observed that the management of A.P.S.R.T.C. may consider the candidature and request of the petitioner as and when there is a work. However, the Tribunal further observed that this part of relief is not mandatory, but it is only a direction. Assailing the said Award, the present Writ Petition has been filed.

3. The learned Counsel for the petitioner is not present, even though his name is printed. Therefore, this Court on its merits considered the matter.

4. I have perused the Award of the Tribunal. The Tribunal has clearly recorded a finding that there was no relationship of master and servant and the Tribunal did not believe the very employment of the petitioner. Under those circumstances, I do not find any error apparent on the face of the record to interfere with the award passed

by the Tribunal.

5. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY,J

Dated:23.9.2004

Ccm

To

1 The Depot Manager A.P.S.R.T.C. Bus Depot, Karimnagar
2 The Industrial Tribunal-cum-Labour Court Godavarikhani, Karimnagar District

3. 2 CCs to the G.P. for Labour,High Court Buildings, A.P. Hyderabad, (OUT)

4. 2 CD copies.